

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOE HAND PROMOTIONS, INC., as)	
Broadcast Licensee of the October 14, 2006)	
UFC 64 Event)	
)	
Plaintiff,)	
)	
VS.)	Civil Action No: SA-07-CA-419-XR
)	
STEVE A. GARCIA, Individually and as)	
officer, director, shareholder, and/or principal)	
of UPRISING LLC, and UPRISING LLC)	
)	
Defendants.)	

SHOW CAUSE ORDER

On this date the Court considered the status of the above-styled and numbered cause. The Court finds that this cause of action was commenced by the filing of Plaintiff's complaint on May 14, 2007. Even though over 120 days have passed since that filing, the Court has no record that the Defendants named by the Plaintiff in this case have filed an answer. The reason for this failure appears to be the Plaintiff's failure to obtain and serve a summons and a copy of the complaint upon the Defendants. Rule 4 of the Federal Rules of Civil Procedure provides in pertinent part:

The plaintiff is responsible for service of a summons and complaint within the time allowed under subdivision (m) and shall furnish the person effecting service with the necessary copies of the summons and complaint.

FED. R. CIV. P. 4©). The rule further provides that:

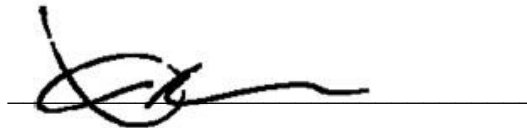
If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

FED. R. CIV. P. 4(m).

The 120-day time period for service has expired in this case and Defendants have not been served. Plaintiff is therefore ORDERED to show cause in writing on or before September 21, 2007 why this case should not be dismissed for failing to diligently serve the Defendants. Failure to respond by this date could result in this case being dismissed under Rule 4(m).

It is so ORDERED.

SIGNED this 12 day of September, 2007.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE